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## India

## FAIRS Country Report

## Annual

## 2007

**Approved by:**

Holly Higgins  
U.S. Embassy

**Prepared by:**

A. Govindan

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**Report Highlights:**

\*Updated on July 23, 2007.\* \*All sections updated.\* \* Food Safety Standards Bill enacted in August 2006 – implementation in progress.\* \*Final Gazette notification issued on wax coating of fresh fruits, subject to labeling.\* \*Final Gazette notification issued on nutritional labeling of packaged food issued.\* \*Maximum Residue Limits (MRLs) for additional 22 pesticides established taking total number of pesticides for which MRLs established to 142\*.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
New Delhi [IN1]  
[IN]

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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, India, for US exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changes since its preparations, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

## I. FOOD LAWS

Currently there are more than twenty Indian laws relating to food, some of which overlap, that are administered by a number of different Ministries and Departments. Many of the laws were drafted soon after Independence under conditions very different from today, when India was at an early stage of ensuring food self sufficiency and the food industry was at a nascent stage and faced different challenges. The focus of these food laws is one or more of the following: (a) prevent food adulteration; (b) regulate hygienic conditions of processing/manufacturing; (c) protect domestic agriculture and livestock sector from pests and diseases; (d) inform consumers about the product they eat (such as vegetarian or non-vegetarian, maximum price to pay, etc.); (e) provide product specifications. Most of the existing food laws are equally applicable to imported food products. Implementation of food law is constrained by lack of trained manpower and infrastructure for testing. The Government of India (GOI) is in the process of implementing the Food Safety Standards Act, 2006, a single statute relating to food in place of the existing multiplicity of food laws and to establish a single regulator in place of existing multiplicity of regulators. Among the more important food laws are:

### **Prevention of Food Adulteration Act (PFA) of 1954 and the PFA Rules of 1955**

The law to protect India against impure, unsafe, and fraudulently labeled foods is the **Prevention of Food Adulteration Act (PFA) of 1954, with the PFA Rules of 1955**, as amended from time to time. This is the most important food law of the country. PFA standards and regulations are to apply equally to domestic and imported products. The PFA covers various aspects of food processing and distribution, such as food color, preservatives, pesticide residues, packaging and labeling, and regulation of sales. **The PFA Act and Rules and recent notifications are available at: <http://mohfw.nic.in/pfa.htm>.** The law is enforced by **the Director General of Health Services, Department of Health (DH), Ministry of Health and Family Welfare (MHFW), Government of India (GOI)**, which is somewhat akin to the Food and Drug Administration (FDA) of the United States.

The PFA focuses primarily on the establishment of regulatory standards for food products, which constitute the bulk of the Indian diet. The PFA does not always keep pace with advances in the food processing sector. Moreover, PFA rules sometimes appear to be drafted in a manner that goes beyond the mere establishment of minimum product quality specifications, by prescribing recipes for how food products are to be manufactured. Concerned parties may appeal to have the PFA Rules amended. The Central Committee for

Food Standards, chaired by the Director General of Health Services, is the decision-making entity. The appeals process, however, is cumbersome and time-consuming. All imported products must adhere to the rules as specified in the regulation, including the labeling and marking requirements. Enforcement of the PFA is left to the state governments. Lack of testing facilities and trained manpower makes enforcement difficult and slow. For a comparison of various provisions of the PFA with Codex requirements and food laws of major countries such as the U.S., the European Union, etc. please see:

<http://mofpi.nic.in/projectprofiles/TUVSA/ftl.htm>

### **The Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**

These legislative measures are designed to establish fair trade practices with respect to packaged commodities. The rules aim to ensure that vital information about the nature of the commodity, the name and address of the manufacturer, the net quantity, date of manufacture, and maximum sale price are provided on the label. There may be additional labeling requirements for food items covered under the PFA. The Department of Consumer Affairs, located within the Ministry of Consumer Affairs, Food, and Public Distribution, is the regulatory authority. The entire text of the **Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**, and related notifications, can be accessed from:

[www.fcamin.nic.in/Events/EventDetails.asp?EventId=1296&Section=Weight%20and%20Measures&ParentID=0&child\\_continue=1&child\\_check=0](http://www.fcamin.nic.in/Events/EventDetails.asp?EventId=1296&Section=Weight%20and%20Measures&ParentID=0&child_continue=1&child_check=0)

Importers of packaged food products must adhere to these acts, including labeling the product. The name and address of the importer, the net quantity, date of manufacture, best-before date, and maximum sales price must be included on the label.

### **The Fruit Products Order, 1955**

The fruit and vegetable processing sector is regulated by the Fruit Products Order, 1955 (FPO), which is administered by the Department of Food Processing Industries. The FPO contains specifications and quality control requirements regarding the production and marketing of processed fruits and vegetables, sweetened aerated water, vinegar, and synthetic syrups. All units that process these products are required to obtain a license under the FPO, and periodic inspections are carried out. Processed fruit and vegetable products imported into India must meet the FPO standards. The FPO can be accessed from:

<http://mofpi.nic.in/fpoact.pdf>.

### **Meat Food Products Order, 1992**

This order administers the sanitary and hygienic standards of the slaughterhouses and permissible quantity of heavy metals, preservatives, and insecticide residues for meat products. The Ministry of Food Processing Industries is the regulatory authority. This order is equally applicable to domestic processors and importers of meat products. However, its implementation is uneven, due to unorganized production in the domestic market. For details, see: <http://mofpi.nic.in/mfpo1973.pdf>

### **Livestock Importation Act, 1898**

Under the Livestock Importation Act, 1898, the government established procedures for the importation of livestock and related products to India, which are implemented by the

Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture. These procedures are available at: <http://dahd.nic.in/order/livestockimport.doc>

### **Milk and Milk Products Order, 1992**

This order regulates the production, distribution, and supply of milk products; establishes sanitary requirements for dairies, machinery, and premises; and sets quality control standards for milk and milk products. Standards specified in the order also apply to imported products. The Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, is the regulatory authority. For details see: <http://dahd.nic.in/order/mmpo.doc>

### **Plant Quarantine (Regulation of Import into India) Order, 2003**

The GOI formulated the Plant Quarantine (Regulation of Import into India) Order, 2003, under the Destructive Insects and Pests Act, 1914. It was published on November 18, 2003, with "...the purpose of prohibiting and regulating the imports into India of agricultural articles..." and became effective January 1, 2004. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage, under the Department of Agriculture and Cooperation, Ministry of Agriculture, which is similar to the Animal Plant Health Inspection Service (APHIS) of the USDA. This Order, along with several subsequent amendments, is available at: [www.plantquarantineindia.org/PQO\\_amendments.htm](http://www.plantquarantineindia.org/PQO_amendments.htm)

### **The Food Safety and Standards Act, 2006**

On August 24, 2006, the Indian government notified, in the official gazette, the Food Safety and Standards Act, 2006, after the President signed it into law following its passage by both the Houses of the Parliament. The main objective of the legislation is to bring about a single statute relating to food safety in place of the existing multiplicity of food laws and to establish a Food Safety and Standards Authority [Food Authority] with a view to: a) lay down food standards, b) effectively regulate the manufacture, import, storage, distribution and sale of food to ensure consumer safety and promote global trade, c) pool infrastructure, manpower, testing facilities, and d) rationalize and strengthen the existing enforcement mechanism. As recommended by an expert panel set up by the government, the administrative control of this Authority will be with the Ministry of Health and Family Welfare. The implementation of the Act is reportedly in progress although it is not yet clear exactly when it would come in to force. The full text of the legislation is available at:

[www.mohfw.nic.in/Food%20Safety%20Standard%20Act.pdf](http://www.mohfw.nic.in/Food%20Safety%20Standard%20Act.pdf)

For additional details and current status on the Food Safety Standards Act, 2006, please refer to IN7033.

## **II. LABELING REQUIREMENTS**

A. General Requirements: **Part VII of the PFA Rules, 1955**, and **the Standards of Weights and Measures (Packaged Commodities) Rules, 1977**, as amended, establish labeling requirements for all packaged foods. In general, the label should provide the following information:

- Name, trade name, or description of product
- Name of ingredients used in the product, in descending order of their composition by weight or volume
- Name and complete address of manufacturer, packer, importer, or vendor, and country of origin of the imported food (including if the food article is manufactured outside India and packed in India)
- Net weight, number, or volume of contents

- Distinctive batch, lot, or code number
- Month and year the product was manufactured or packed
- Month and year by which the product is best consumed
- Maximum retail price (MRP)

Where applicable, the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food
- Extraneous addition of coloring matter
- Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or product of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food.
- Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food.

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. For details see Section 42, Part VII of the PFA Rules updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

In the case of imported packaged food, all declarations may be: 1) printed on a label securely affixed to the package or; 2) made on an additional wrapper containing the imported package or; 3) printed on the package itself or; 4) made on a card or tape affixed firmly to the package or container and bearing the required information. Labels must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only the standard U.S. label will not be allowed to enter.

**Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce on November 24, 2000, all packaged commodities imported into India should carry the following declarations:**

- Name and address of the importer.
- Generic or common name of the commodity packed.
- Net quantity using standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer.
- Month and year of packaging in which the commodity was manufactured, packed, or imported.
- The maximum retail price at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and the like.

<http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

**Shelf Life: Notification No. 22 (RE-2001) 1997-2002, dated July 30, 2001, issued by the Department of Commerce, states:**

"Imports of all such edible/food products, domestic sale and manufacture of which are governed by the PFA shall also be subject to the condition that, *at the time of importation* [emphasis added], these products are having a valid shelf life of not less than 60 percent of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding the date of manufacture and the due date of expiry." <http://dgftcom.nic.in/exim/2000/not/not01/not2201.htm>

**Per notification G.S.R. 388 (E), issued by the DH, on June 25, 2004**, every package of food which contains permitted artificial sweetener shall carry the label "CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS," along with the name or trade name of the product. ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

**Per notification G.S.R. 339 (E), dated May 27, 2005, issued by the DH**, "No containers or label relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials of phrases designed to increase the salability of the infant milk substitute or infant food. The terms "Humanized" or "Maternalized" or any other similar words shall not be used. The package and/or any other label of infant milk substitute or infant food shall not exhibit words, "Full Protein Food," "Energy Food," "Complete Food," or "Health Food," or any other similar expressions." ([www.mohfw.nic.in/F33927052005.pdf](http://www.mohfw.nic.in/F33927052005.pdf))

On March 10, 2006, the DH issued a draft Gazette notification proposing an amendment to the PFA Rules, regarding **labeling of foods derived from biotechnology**. This amendment has not yet been implemented and remains in the draft form. The full notification is available at: [www.mohfw.nic.in/152.pdf](http://www.mohfw.nic.in/152.pdf).

On December 29, 2006, the MH issued the final notification amending the PFA rules on **waxing of fresh fruits**. Per the notification, fresh fruits may be coated with bees wax and carnauba wax, but all waxed fruits, packed or in loosen form, have to be properly labeled (name of the wax and best before date). The effective date for implementation for the new notification is March 30, 2007, which was later extended to January 1, 2008. The full notification is available at: <http://www.mohfw.nic.in/Noti%20773.pdf>

## **B. Requirements Specific to Nutritional Labeling**

Implied nutritional and health claims are allowed on food products, and there currently are no statutory nutritional requirements. Manufactured and imported food claiming to be enriched with nutrients such as minerals, proteins, or vitamins, should indicate quantities of such added nutrients on the label. Although there is no official position on implied health claims, such claims should be able to withstand verification by a court of law, if challenged.

However, on August 21, 2006, the DH issued a final Gazette of India notification proposing **nutritional labeling on packaged food** under the PFA. These rules would become effective August 20, 2007, although some stakeholders are trying to get the rules postponed and amended. Proposed major changes are:

Every package of food is required to have the following additional information on its label:

- The name of the food
  - The name, trade name, or description of food contained in the package.
- List of ingredients
  - The names of ingredients used in the product in descending order of their composition by weight or volume, as the case may be.



- The complete nutritional information (energy value, protein, carbohydrates, fat, type of fatty acids, vitamins, minerals).
- Special requirements for irradiated food.
- Country of origin for imported food.
- Instructions for use.
- Additional provisions for proprietary foods.
- Information on allergic and /or hypersensitive ingredients in the food.

The full notification is available at: <http://www.mohfw.nic.in/Noti%20491.pdf>

### III. PACKAGING AND CONTAINER REQUIREMENTS

All weights or measures are to be reported in metric units.

Certain commodities can only be packed in specified quantities (weight, measure, or number). These include baby food, weaning food, biscuits, bread, butter, coffee, tea, vegetable oils, milk powder, and wheat and rice flour. The use of materials such as Polyvinyl Chloride (PVC) is not allowed for packaging in most cities, due to environmental concerns and waste disposal problems.

In order to ensure availability of safe and quality edible oils in packed form at pre-determined prices to consumers, on September 17, 1998, the GOI promulgated an Edible Oil Packaging (Regulation) Order, 1998, under the Essential Commodities Act, 1955, to make packaging of edible oils, sold in retail, compulsory, unless specifically exempted by State governments.

### IV. FOOD ADDITIVE REGULATIONS

Information regarding permitted coloring matter, preservatives, etc., are provided in various sections of the PFA Rules, 1955, as amended, which are listed below:

Coloring Matter	Part VI
Preservatives	Part X
Poisonous metal	Part XI
Crop contaminants and naturally occurring toxic substances	Part XIA
Anti-Oxidants, Emulsifying, Stabilizing, and anti-caking agents	Part XII
Flavoring agents and related Substances	Part XIII
Carry over of food additives	Part XIIA
Sequestering and buffering agents	Part XVI
Antibiotic and other pharmacologically active substances	Part XVIII
Food Additives 1/	Part XIX

1/ Per Gazette notification G.S.R. 388 (E), dated June 25, 2004, ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

On December 1, 2004, the DH issued a final Gazette notification that lists permitted food additives in fish and fish products and microbiological requirements of seafood. See [www.mohfw.nic.in/GSR821\(E\)21102004.pdf](http://www.mohfw.nic.in/GSR821(E)21102004.pdf).



On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that pertains to the use of additives in sugar, salt, cocoa powder, chocolate, sugar boiled confectionary, and chewing gum. See [www.mohfw.nic.in/F18421032005.pdf](http://www.mohfw.nic.in/F18421032005.pdf).

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that provided a list of permitted food additives and microbiological requirements of thermally-processed fruits, fruit cocktails, vegetable soups, fruit juices, fruit vegetable cereal flakes, squashes, tomato ketchup, tomato sauces, soy sauces, jams, jellies, etc. See [www.mohfw.nic.in/F18521032005.pdf](http://www.mohfw.nic.in/F18521032005.pdf).

On June 23, 2006, the DH issued the final Gazette notification to amend the PFA rules pertaining to the use of additives in biscuits, breads, and confectionary items. Among other things, the amendment contains a maximum limit of Oligofructose (dietary fibers) up to 15 percent, and a dietary fiber labeling requirement for biscuits, breads, and cakes. The full notification can be accessed at: [www.mohfw.nic.in/Noti%20400.pdf](http://www.mohfw.nic.in/Noti%20400.pdf)

On October 31, 2006, the DH issued the final Gazette notification to amend the PFA Rules, pertaining to the use of Acesulfame Potassium, Sucralose, Di-Sodium 5 – Inosinate, and Sodium hexa meta phosphate in certain processed food products. The full notification can be accessed at: [www.mohfw.nic.in/Noti%20679.pdf](http://www.mohfw.nic.in/Noti%20679.pdf)

## V. PESTICIDES AND OTHER CONTAMINANTS

The PFA Rules, 1955, include a positive list for the presence of pesticide residues and their respective tolerance levels in various commodities and food (manufactured/imported) products. Of the 204 pesticides registered ([http://cibrc.nic.in/reg\\_products.htm](http://cibrc.nic.in/reg_products.htm)) for regular use in India, only 121 ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), Part XIV pages 163-177) had Maximum Residue Limits (MRLs) notified. There are 27 pesticides that do not require MRLs. For the remaining pesticides, MRLs have not yet been established. Lists of pesticides/pesticide formulations whose import and use are banned, refused registration, or are restricted use in India are available at: [http://cibrc.nic.in/list\\_pest\\_bann.htm](http://cibrc.nic.in/list_pest_bann.htm). CODEX Alimentarius MRLs may be accepted for imported foodstuffs only for those pesticides not included in India's own positive list of pesticides.

On October 13, 2006, the DH issued the final Gazette notification under the PFA, establishing pesticide tolerance levels on several crops and establishing MRLs for an additional 16 pesticides (which would make the total 137). The Gazette notification is available at: [www.mohfw.nic.in/Noti%20633.pdf](http://www.mohfw.nic.in/Noti%20633.pdf).

On May 22, 2007, the DH issued the final Gazette notification under the PFA, establishing pesticide tolerance levels on several crops and establishing MRLs for an additional six pesticides (which would make the total 143). The Gazette notification is available at: [www.mohfw.nic.in/Noti%20367.pdf](http://www.mohfw.nic.in/Noti%20367.pdf)

On July 20, 2006, the DH issued final Gazette notification under the PFA, proposing revised tolerance levels for various pesticides and Deoxynivalenol (DON) on imported wheat, which would remain valid until March 31, 2007, which through subsequent amendments was extended to March 31, 2008. The final Gazette Notification is available at: [www.mohfw.nic.in/Noti%20435.pdf](http://www.mohfw.nic.in/Noti%20435.pdf)

## VI. OTHER REGULATIONS AND REQUIREMENTS

All imported foods are randomly sampled at the port of entry for their conformity to PFA standards. On June 16, 2004, the Ministry of Commerce and Industry published a list of "high risk" food items, imports of which are subject to 100 percent sampling. This list

includes edible oils and fats, pulses and pulse products, cereal and cereal products, milk powder, condensed milk, food colors, and food additives, among other items. The import of product samples via express mail or parcel post (such as FedEx, UPS, DHL, etc.) is allowed, contingent on obtaining prior permission from the Directorate General of Foreign Trade. (See: [www.cbec.gov.in/js-menu/import-courier.htm](http://www.cbec.gov.in/js-menu/import-courier.htm)). Mail order imports are not allowed. Contact information to arrange sample shipments is provided in Appendix I. Once the products enter the domestic market, they are to be monitored randomly at the retail and wholesale level by the respective regulatory authorities.

The **Genetic Engineering Approval Committee (GEAC)** is the decision-making authority on biotechnology product rules, including imports. Food ingredients and additives containing bioengineered organisms shall not be produced, used, or imported without the approval of the GEAC. All such approvals, if granted, shall be for a specific period not exceeding four years at the first instance, and are renewable for two years at a time, subject to terms and conditions. For additional details see: [www.dbtindia.nic.in/thanks/biosafetymain.html](http://www.dbtindia.nic.in/thanks/biosafetymain.html). For additional details on Biotech issues, please refer to GAIN Report IN7062.

The Annual Supplement to the Indian government's Foreign Trade Policy (2004-2009) announced by Commerce and Industry Minister on April 7, 2006, calls for approval from the GEAC for imports of biotech food, food additives, or any food product that contains biotech material that is being used for industrial production, environmental release, or field application. Also, import consignments containing biotech products should carry a self declaration that the product is bioengineered, without which the importer is liable to penal action under the Foreign Trade (Development and Regulation) Act, 1992. (See <http://164.100.9.245/exim/2000/not/not06/not0206.htm>). This rule became effective July 8, 2006. However, concerns about high domestic vegetable oil prices forced the government to give a special exemption to commercial imports of soybean oil derived from Roundup Ready soybeans for imports until December 31, 2007. On June 22, 2007, the GEAC gave permanent approval for imports of soybean oil derived from Roundup Ready soybeans for consumption after refining.

On July 6, 2006, the DH issued a draft Gazette notification under the PFA, proposing food recall procedures (see GAIN report IN6055). The Draft Indian Notification is available at: [www.mohfw.nic.in/Noti%20355.pdf](http://www.mohfw.nic.in/Noti%20355.pdf). These procedures have not yet been implemented.

On May 22, 2007, the Department of Health, Ministry of Health and Family Welfare, Government of India (GOI) issued a draft Gazette notification under the Prevention of Food Adulteration Act (PFA), proposing a permitted irradiation dose for various food items. See [www.mohfw.nic.in/Noti%20368.pdf](http://www.mohfw.nic.in/Noti%20368.pdf)

## VII. OTHER SPECIFIC STANDARDS

**The PFA Rules, 1955 (Appendix B)**, and **the Fruit Products Order, 1955**, as amended, contain definitions and specific quality standards for certain food products, such as processed cheese, ice cream, spice mixes, milk and milk products, infant food, vegetable oils and margarine, fruits and vegetable products, and basic food items like wheat, rice, and pulses. Imported products must also meet the specified quality standards.

**The Department of Commerce Notification No. 44 (RE-2000)/1997-2002**, dated November 24, 2000, requires imports of certain products, including some food products (milk powder, condensed milk, infant milk foods, milk-cereal based weaning foods) and food additives, to comply with mandatory Indian quality standards. All manufacturers and exporters whose products are sold in India are required to register with the Bureau of Indian Standards. See <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

On March 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes new standards for raisins, pistachios, and dry fruits and nuts (including almonds). See [www.mohfw.nic.in/F18521032005.pdf](http://www.mohfw.nic.in/F18521032005.pdf).

On June 27, 2005, the DH issued a final Gazette notification, pertaining to the standards of dairy products and to the use of food additives in these milk products. By this amendment, standards of various milk products, cheese, ice cream, milk powder, etc., and the use of food additives in these products were established. It also establishes microbiological parameters, per Codex Alimentarius Commission guidelines. The notification can be accessed at: [www.mohfw.nic.in/GSR356.pdf](http://www.mohfw.nic.in/GSR356.pdf).

On December 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes new or revised standards for several vegetable oils. The link to the final Gazette notification is: [www.mohfw.nic.in/731.pdf](http://www.mohfw.nic.in/731.pdf).

On January 6, 2006, the DH issued a final Gazette announcement under the PFA, which has not yet been implemented but which establishes new standards for various spices. The link to the Final Gazette Notification is: [www.mohfw.nic.in/8.pdf](http://www.mohfw.nic.in/8.pdf).

On May 9, 2006, the DH issued a final Gazette notification under the PFA, which establishes new standards for tea. The Link to the Gazette notification is: [www.mohfw.nic.in/Noti%20277.pdf](http://www.mohfw.nic.in/Noti%20277.pdf).

On July 3, 2006, the DH issued final Gazette notification establishing standards for infant milk food and infant formula, etc. and laying out special labeling requirements for these products. The link to the Gazette notification is: [www.mohfw.nic.in/Noti%20398.pdf](http://www.mohfw.nic.in/Noti%20398.pdf)

## VIII. COPYRIGHT AND/OR TRADEMARK LAWS

The Indian Copyright Act of 1957 is based on the Bern Convention on Copyrights, to which India is a party. May 1995 and December 1999 amendments increased protection and introduced stiff mandatory penalties for copyright infringement. On paper, Indian copyright law is now on par with the most modern laws in the world. Trademarks are protected under the Trade Marks Act, 1999 and the Trade Marks Rules, 2002 (in force since September 2003), which repealed the Trade Mark and Merchandise Marks Act, 1958. The changes introduced by the Act include: protection to well known marks, as well as service and collective marks; extension of the period of protection from seven to ten years; establishment of an Appellate Board; and increased penalties for infringement of trade marks. Enforcement of intellectual property rights has been weak, but the situation is improving, as the courts and police respond to domestic concerns about the high cost of piracy to Indian rights-holders.

There is significant judicial precedence to protect foreign trademarks in India. Indian courts have gone beyond the existing statutes and restrained local companies from using world-renowned trademarks even when they have not been registered in India. Foreign firms can register their trademarks through a local agent by applying at the office of Registrar of Trademarks ([www.ipindia.nic.in](http://www.ipindia.nic.in)). However, it may take up to three to five years for the trademark to be officially accepted and notified.

## IX. IMPORT PROCEDURES

**Documentation:** Importers must furnish an import declaration in the prescribed Bill of Entry format, disclosing the value of the imported goods. This must be accompanied by any import licenses and phytosanitary certificates (in case of agricultural commodities), along with documentation such as sales invoices and freight and insurance certificates. All

consignments are required to be inspected prior to clearance. In the current Customs set-up, appointing a clearing agent avoids delays.

The clearance of imported food products at the port of entry requires a certification from the port health authority that the product conforms to the standards and regulations of the PFA. However, certification is based mostly on visual inspection and records of past imports, as most ports have limited testing facilities. Consequently, importers of new products can sometimes face undue delays in clearing their products. The custom clearance period may range from one day and one month, depending on the product and experience of the importer. In case of a dispute or rejection of the consignment, the importer can file an appeal at the Customs office at the port of entry.

Additional information on exporting food products to India is available in the "Exporter Guide" (GAIN Report #IN6089), which can be accessed via the FAS homepage.

**APPENDIX I. REGULATORY AGENCY CONTACTS****A. Prevention of Food Adulteration Act**

Joint Secretary (PFA)  
Department of Health  
Ministry of Health & Family Welfare  
Nirman Bhawan  
Maulana Azad Road  
New Delhi, 110 - 001  
Phone: (91-11) 23061447  
Fax: (91-11) 23061447  
E-mail: [debasish.panda@nic.in](mailto:debasish.panda@nic.in)  
Website: [www.mohfw.nic.in/pfa.htm](http://www.mohfw.nic.in/pfa.htm)

**B. The Standards Weights and Measures Act**

Additional Secretary,  
Department of Consumer Affairs,  
Krishi Bhavan, New Delhi  
Phone: 23383027  
Fax: 23386575  
Website: <http://fcamin.nic.in/index.asp>

**C. Phytosanitary issues**

Joint Secretary - Plant Protection  
Department of Agriculture and Cooperation  
Ministry of Agriculture  
Krishi Bhawan  
New Delhi – 110 001  
Phone: (91-11) 23384468  
Fax: (91-11) 23384468  
E-mail: [reddywr@nic.in](mailto:reddywr@nic.in)  
Website: [www.plantquarantineindia.org](http://www.plantquarantineindia.org)

**D. Livestock and Products Imports**

Joint Secretary (Administration)  
Department of Animal Husbandry & Dairying  
Ministry of Agriculture  
Krishi Bhavan  
New Delhi - 110 001  
Phone: (91-11) 23387804  
Fax: (91-11) 23386115  
E-mail: [jsadd@nic.in](mailto:jsadd@nic.in)  
Website: <http://dahd.nic.in/>

**E. Ministry of Commerce**

Director General of Foreign Trade  
Ministry of Commerce  
Udyog Bhavan  
New Delhi - 110 011

Phone: (91-11)23062777  
Fax: (91-11)23061613  
E-mail: [dgft@nic.in](mailto:dgft@nic.in)  
Website: <http://dgft.delhi.nic.in/>

F. Ministry of Food Processing Industry

Joint Secretary  
Ministry of Food Processing Industries  
Panch Sheel Bhawan  
August Kranti Marg  
New Delhi – 110 049  
Phone: (91-11) 26492476  
Fax: (91-11) 26493228  
E-mail: [ajitji@nic.in](mailto:ajitji@nic.in)  
Website: <http://mofpi.nic.in/>

G. Registry of Trademarks

Controller General of Patents, Designs & Trade Marks  
Bhouthik Sampada Bhavan  
S.M. Road, Antop Hill  
Mumbai – 400 037  
Phone: (91-22)24101144  
Fax: (91-22)24120808  
E-mail: [Mumbai-patent@nic.in](mailto:Mumbai-patent@nic.in)  
Website: [www.ipindia.nic.in](http://www.ipindia.nic.in)

H. Central Board of Excise & Customs

Chairman  
Central Board of Excise & Customs  
Ministry of Finance  
North Block  
New Delhi – 110 001  
Phone: (91-11) 23092849  
Fax: (91-11) 23092890  
E-mail: [chairman@cbec.gov.in](mailto:chairman@cbec.gov.in)  
Website: <http://www.cbec.gov.in/>

**APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS**

- A. Director  
Confederation of Indian Food Trade & Industry  
Federation of Indian Chambers of Commerce & Industry  
Federation House  
Tansen Marg  
New Delhi – 110 001  
Phone: (91-11) 23311920  
Fax: (91-11) 23311920  
E-mail: [sameer@ficci.com](mailto:sameer@ficci.com)
- B. Senior Technical Advisor  
Confederation of Indian Industry  
The Mantosh Sondhi Center  
23, Institutional Area  
Lodhi Road  
New Delhi – 110 003  
Phone: (91-11) 2463 3461  
Fax: (91-11) 2462 6149  
E-mail: [d.s.chadha@ciionline.org](mailto:d.s.chadha@ciionline.org)



**APPENDIX III. LIST OF APPROVED FOOD ADDITIVES****I. Coloring Matter****A. Natural Coloring Matters**

1. Beta-carotene
2. Beta-apo-8'-carotenal
3. Methyl ester of Beta-apo-8' carotenoic acid
4. Ethyl ester of Beta-apo-8' carotenoic acid
5. Canthaxanthin
6. Chlorophyll
7. Riboflavin/Lactoflavin
8. Caramel
9. Annatto
10. Saffron
11. Curcumin (or Turmeric)

**B. Synthetic Coloring Matters**

1. Ponceau 4R
2. Carmoisine
3. Erythrosine
4. Tartrazine
5. Sunset Yellow FCF
6. Indigo Carmine
7. Brilliant Blue FCF
8. Fast Green FCF

Note: The maximum limit of permitted synthetic coloring matters is 100 parts per million.

For details on uses and other terms and conditions relating to coloring matter, please see Part VI of the PFA Rules updated, on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

**II. Preservatives****A. Class I Preservatives**

1. Common Salt
2. Sugar
3. Dextrose
4. Glucose (Syrup)
5. Spices
6. Vinegar or Acetic Acid
7. Honey
8. Edible oils

**B. Class II Preservatives**

1. Benzoic acid including salts thereof
2. Sulphurous acid and salts thereof
3. Nitrates of Sodium or Potassium
4. Sorbic acid and its sodium, potassium and calcium salts
5. Nisin
6. Sodium and calcium propionate
7. Methyl or propyl Parahydroxy Benzoate
8. Propionic acid, including esters or salts thereof
9. Sodium diacetate
10. Sodium, potassium and calcium salts of lactic acid

The maximum allowable limit for class II preservatives varies with the type of food in which it is used. There is no maximum allowed limit in the use of class I preservatives.

For details on the specific use and other terms and conditions relating to preservatives, please see Part X of the PFA Rules, updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

### III. Poisonous Metal

1. Lead
2. Copper
3. Tin
4. Zinc
5. Cadmium
6. Arsenic
7. Mercury
8. Methyl mercury
9. Chromium

Tolerance limits for poisonous metals vary with the food in which they appear.

For details on the specific use and other terms and conditions relating to poisonous metals, please see Part XI of the PFA Rules, updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

### IV. Anti-oxidants, Emulsifying, Stabilizing, and Anti-Caking Agents

#### A. Anti-Oxidants

1. Lecithin
2. Ascorbic acid
3. Tocopherol
4. Ethyl gallate
5. Propyl gallate
6. Octyl gallate
7. Dodecyl gallate
8. Ascorbyl palmitate
9. Butylated hydroxyanisole (BHA)
10. Citric acid
11. Tartaric acid
12. Gallic acid
13. Resin Guaiac
14. Tertiary Butyl Hydro Quinone (TBHQ)

#### B. Emulsifying and stabilizing agents

Permitted emulsifying and stabilizing agents include:

Agar, alginic acid, calcium and sodium alginates carrageen, edible gums (such as guar, karaya arabic, carobean, furcellaran, tragacanth, gum ghatti), dextrin, sorbitol, pectin, sodium and calcium pectate, sodium citrate, sodium phosphates, sodium tartrate, calcium lactate, lecithin, albumen, gelatin quillaia, modified starches, hydrolysed, proteins, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monosterin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, polyoxy-ethylene sorbiton monostenrate, sodium stearyl-2-lactylate and calcium stearyl-2

lactylate, Polyglycerol Esters of fatty acids and polyglycerol Ester of interesterified Ricinoleic acid, and brominated vegetable oil, Glycerol esters of wood resins (Ester Gum).

For details on the specific use and other terms and conditions relating to anti-oxidants, emulsifying, stabilizing, and anti caking agents, please see Part XII of the PFA Rules updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

#### V. Flavoring Agents and related substances

All flavoring agents other than the following may be used in food

1. Coumarin and dihydrocoumarin
2. Tonkabean (Diptery odorat); and
3. B-asarone and cinamyl anthracilate
4. Estragole
5. Ethyl Methyl Ketone
6. Ethyl-3-Phenylglycidate
7. Eugenyl methyl ether
8. Methyl Beta naphthyl Ketone
9. P. Propylanisole
10. Saffrole and Isosaffrole
11. Thujone and Isothujone alpha and beta      thujone

For details on the specific use and other terms and conditions relating to flavoring agents and substances, please see Part XIII of the PFA Rules updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

#### VI. Sequestering and buffering agents

The following sequestering and buffering agents are allowed, subject to limits prescribed in the PFA rules.

1. Acetic acid
2. Adipic acid
3. Calcium gluconate
4. Calcium carbonate
5. Calcium oxide
6. Citric acid
7. Malic acid
8. DL Lactic acid (food grade)
  - a) L (+) Lactic acid (food grade)
9. Phosphoric acid
10. Polyphosphate containing less than 6 phosphate moieties
11. L (+) Tartaric acid
12. Calcium Disodium, Ethylene, diamine tetra acetate
10. Fumaric acid.

For details on specific use and other terms and conditions relating to sequestering and buffering agents, please see Part XVI of the PFA Rules updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

#### VII. Artificial Sweeteners

The following artificial sweeteners may be used in selected food articles, subject to limits prescribed in the PFA rules.

1. Saccharin Sodium
2. Aspartame (methylester)
3. Acesulfame Potassium
4. Sucralose

For details on specific use and other terms and conditions relating to artificial sweeteners, please see Part VIII (Section 47) of the PFA Rules updated on October 1, 2004, ([www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf)), and any subsequent notifications.

**APPENDIX IV. COMMODITY-SPECIFIC FAIRS REPORTS SUBMITTED SINCE LAST FAIRS COUNTRY REPORT**

<b>Report No. and Date</b>	<b>Topic</b>
IN7053 06/22/07	Pet Food Products of Animal Origin (Import into India) Order 2007
IN7050 06/08/07	Proposed Amendments to Plant Quarantine Order
IN7049 06/07/07	Draft Amendment to the PFA Relating to Irradiation of Food Products
IN7045 05/31/07	Amendment to PFA Rule Relating to Pesticide Tolerance Limits
IN7029 04/10/07	GOI Postpones Implementation of the PFA Rules Relating to Wax Coating of Fruits
IN7022 03/21/07	GOI Further Extends the Exemption of Biotech Soybean Oil Imports
IN7004 01/22/07	GOI Amends PFA Rules Relating to Wax Coating of Fresh Fruits
IN6085 10/13/06	GOI Publishes Final PFA Rules Pertaining to Labeling of Pre-packaged food
IN6070 08/22/06	Government Extends Ban on Import of Poultry Products
IN6063 08/02/06	Ministry of Agriculture Order Relating to Wheat Imports
IN6061 07/27/07	Proposed Amendment to the PFA Rules Relating to Wax Coating of Fruits

Any questions regarding Indian food and agricultural import regulations and standards may be directed to the Agricultural Counselor's Office at the US Embassy, New Delhi:

**Counselor for Agricultural Affairs**  
**American Embassy, New Delhi**  
**Department of State**  
**Washington, DC 20521-9000**  
**Phone: (91-11) 24198000**  
**Fax: (91-11) 24198530**  
**E-mail: [AgNewDelhi@usda.gov](mailto:AgNewDelhi@usda.gov)**